

United States Environmental Protection Agency <b>POSITION DESCRIPTION COVERSHEET</b>		1. DUTY LOCATION Denver, CO		2. POSITION NUMBER	
3. CLASSIFICATION ACTION. a. Reference of Series and Date of Standards Used to Classify this Position					
b. Title		c. Pay Plan	d. Series	e. Grade	f. CLC
Official Allocation	GENERAL ATTORNEY	GS	0905	14	
4. Supervisor's Recommendation	General Attorney	GS	0905	14	
5. ORGANIZATIONAL TITLE OF POSITION (if any)		6. NAME OF EMPLOYEE Laurianne M. Jackson			
7. ORGANIZATION (Give complete organizational breakdown)		e. CERCLA Response/Cost Recovery Unit			
a. U.S. ENVIRONMENTAL PROTECTION AGENCY		f.			
b. Region 8		g.			
c. Enforcement, Compliance and Environmental Justice		h. Employing Office Location Denver, Colorado			
d. Legal Enforcement Program		i. Organization Code 90825200			
8. SUPERVISORY STATUS					
<input type="checkbox"/> [2] <b>Supervisor or Manager.</b> Position requires the exercise of supervisory or managerial responsibilities that meet, at least, the minimum requirements for application of the General Schedule Supervisory Guide (GSSG) or similar standards for minimum supervisory responsibility specified in other position classification standards. <input type="checkbox"/> [4] <b>Supervisor.</b> Position meets the definition of Supervisor in 5.U.S.C. 7103(a)(10), but does not meet the minimum requirements for application of the GSSG. <input type="checkbox"/> [5] <b>Management Official.</b> Position meets the definition of Management Official in 5.U.S.C. 7103(a)(11), but does not meet the GSSG definition of Supervisor/Manager or the definition of Supervisor in 5.U.S.C. 7103(a)(10). <input type="checkbox"/> [6] <b>Lead.</b> Position leads a team performing one-grade interval work and meets the minimum requirements for application of Part I of the Work Leader Grade Evaluation Guide (WLGE) or is under a wage system and meets similar minimum requirements as specified by those job standards or other directives of the applicable pay system. <input type="checkbox"/> [7] <b>Team Leader.</b> Position leads a team performing two-grade interval work and meets the minimum requirements for application of Part II of the WLGE. <input checked="" type="checkbox"/> [8] <b>All Other Positions.</b> Position does not meet any of the above definitions. This is a non-supervisor/non-managerial position.					
9. SUPERVISORY CERTIFICATION I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships and that the position is necessary to carry out governmental functions for which I am responsible. The certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.					
a. Typed Name and Title of Immediate Supervisor Matthew Cohn, Unit Chief		d. Typed Name and Title of Second-Level Supervisor Michael T. Risner, Director			
b. Signature <i>Matthew Cohn</i>	c. Date 7/19/10	e. Signature <i>Michael T. Risner</i>		f. Date 7/20/10	
10. OFFICIAL CLASSIFICATION CERTIFICATION: I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no published standards apply directly, consistently with the most applicable published standards.					
a. Promotion Potential <input type="checkbox"/> This position has no promotion potential <input checked="" type="checkbox"/> If position develops as planned and employee progresses satisfactorily, this position has known promotion potential to grade: 14					
b. PSB Risk Designation <input type="checkbox"/> 1 Low <input checked="" type="checkbox"/> 2 Moderate <input type="checkbox"/> 3 High Security Clearance Required: <input type="checkbox"/> Yes <input type="checkbox"/> No	c. Financial Disclosure Form <input type="checkbox"/> OGE-450 Required <input type="checkbox"/> OGE-278 Required <input type="checkbox"/> No financial disclosure forms required	d. "Identical, Additional" (IA) Allocation This position <input type="checkbox"/> may be IA'ed <input type="checkbox"/> may not be IA'ed <input type="checkbox"/> is limited to current incumbent		e. FLSA Determination <input type="checkbox"/> NONEXEMPT <input checked="" type="checkbox"/> EXEMPT* (*check exemption category) <input checked="" type="checkbox"/> Administrative <input type="checkbox"/> Executive	f. Functional Classification Code 00
g. Bargaining Unit Code 0012	h. Check, if applicable: <input type="checkbox"/> Medical Monitoring Required <input type="checkbox"/> Extramural Resources Management Duties (___ % of time) <input type="checkbox"/> This position is subject to random drug testing (___)		i. Classifier's Signature <i>Mary Gony</i>		j. Date 8/20/10
11. REMARKS PCS for General ATTORNEY SERIES TS-18 May 1974					

General Attorney  
GS-905-14

I. Introduction

Serves as a senior enforcement attorney in the Legal Enforcement Program (LEP) in the Office of Enforcement, Compliance and Environmental Justice (ECEJ). The attorney has responsibility for representing EPA in legal proceedings and providing legal advice and assistance and policy recommendations to management and colleagues throughout the region in assigned areas of responsibility. The attorney coordinates the entire workload of the office in assigned areas of responsibility and is knowledgeable about the work of other attorneys who are assigned to work on matters within such areas of responsibility. The attorney is either supervised by the Director or Supervisory Attorney of LEP.

II. Major Duties and Responsibilities

At this level, the attorney will be assigned complex and non-routine matters frequently having significant environmental or monetary impacts which may have the effect of broadening or restricting the activities of the Agency and /or impact private or public interests. Cases to which the attorney is assigned will usually have difficult fact situations, uncertain or unfavorable legal precedent and may be contested by capable counsel. The attorney confers and/or negotiates with senior officials in government and business and may prosecute cases before tribunals. The attorney's recommendations are tantamount to final decisions and are made directly to heads of programs and senior government officials.

- A. Legal Research and Problem Resolution: Independently researches legal questions which arise under federal environmental statutes, other federal and state statutes, regulations, lawsuits, enforcement actions, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, executive orders and other judicial and administrative actions affecting the Agency's programs.
- B. General Legal Advice: Independently provides regional management with general legal advice concerning those Regional matters within assigned areas of responsibility and informs supervisors as requested. Works closely with attorneys in the Office of Enforcement and Compliance Assurance (OECA), the Office of General Counsel (OGC) and the Department of Justice in formulating advice on issues for which there is little guidance or precedent. Absent exigent circumstances such advice is transmitted "face-to-face" in situations where important issues are being resolved, where senior management

is involved, where team interactions are strained, or where management deems it appropriate.

- C. Legal Advice and Other Assistance on Enforcement Matters: Provides legal advice on Regional enforcement matters. Assists in the preparation of legal correspondence, administrative orders, litigation referrals and other enforcement documents and reviews such documents for legal sufficiency and consistency with Agency legal interpretations and policy guidance. Assists, via legal advice, in developing the factual bases for enforcement actions, including field sampling, inspections, and other types of compliance activities. Is responsible for full preparation of enforcement documents and advice. Works closely with attorneys in OECA, OGC and the Department of Justice in formulating advice on issues for which there is little guidance or precedent. Absent exigent circumstances such advice is transmitted "face-to-face" in situations where important issues are being resolved, where senior management is involved, where team interactions are strained, or where management deems it appropriate.
- D. Litigation Matters: Coordinates enforcement litigation in connection with specific regional matters arising under all federal environmental statutes. Assists in the conduct of discovery and prepares drafts of interrogatories, requests for admissions, motions, briefs, and other litigation documents. Works closely with attorneys in OECA, the Department of Justice, U.S. Attorney's Office, and with state Attorneys General. Represents the region in administrative proceedings of EPA and may also do so in judicial proceedings. Physical presence at tribunals or in above-described offices may be required during hearings or preparatory meetings.
- E. Negotiation and Informal Dispute Resolution: Represents the Region in its dealings with outside parties, including negotiation of bilateral agreements, consent orders and judgments, and memoranda of understanding. Physical presence at locations beyond the attorney's work station is required to implement this responsibility.
- F. Liaison with Office of Enforcement and Compliance Assurance: Serves as liaison between the Region and OECA on assigned matters to provide an effective channel of communication to ensure that the Region obtains legal judgments and policy advice from such office and such office is able to base such judgments and such advice upon accurate facts and regional program objectives.
- G. Liaison with Office of General Counsel On Superfund Counseling Matters: Serves as liaison between the Region and OGC on assigned

matters to provide an effective channel of communication to ensure that the Region obtains legal judgments and policy advice from such office and such office is able to base such judgments and such advice upon accurate facts and regional program objectives.

- H. Training: Participates in training, when available, to develop skills necessary to accomplish requirements of this job. Provides training to program staff, the public and other EPA attorneys in areas of responsibility.
- I. National Workgroups: Participates actively in national workgroups.
- J. Other Duties: Performs other duties as assigned. Attorney maintains a substantial presence at the Region's main office to assure excellent communication, Agency readiness on enforcement matters and strong team relationships. All interactions with management, clients, governmental entities and the public are professional and courteous. Works to maintain productive team relationships and, where such efforts fail, seeks management intervention. Provides timely reporting on issues and activities, charging, travel, and requests for leave.

### III. Supervisory Controls

The attorney reports to the Supervisory Attorney for the CERCLA Response/Cost Recovery Unit, the Supervisory Attorney of the Regulatory Enforcement Unit of the Legal Enforcement Program and/or the Director of the Legal Enforcement Program. Areas of responsibility are assigned by said supervisory attorney. The attorney is provided input regarding the significance of the problem, but receives little or no preliminary instruction. Finished work is reviewed for consistency on application of Regional and Agency policy and the law.

### IV. Qualifications

Incumbent must have an LL.B or J.D. degree from an accredited law school; must be admitted to practice before the highest court of a State, U.S. territory, the District of Columbia, or the Commonwealth of Puerto Rico; and must maintain active status as a member of the bar of one of these jurisdictions. Incumbent must have significant experience in providing legal advice and counsel at EPA, other federal, state, or local agencies, or in private practice.

POSITION CLASSIFICATION  
EVALUATION STATEMENT

I. INTRODUCTION:

- A. Organizational Location: CERCLA Response/Cost Recovery Unit  
Legal Enforcement Program  
Enforcement, Compliance & Environmental  
Justice  
Region 8  
Environmental Protection Agency
- B. Type of Action: Establish FPL
- C. Proposed Classification: Attorney-Advisor  
GS-905-14
- D. Desk Audit/Supervisory Interview Conducted? No

II. REFERENCES:

- (a) OPM PCS for General Attorney Series,  
GS-0905, TS-18, 5/74; TS-77, 12/68;  
TS-29, 8/60; TS-24, 10/59

III. SERIES/TITLE DETERMINATION: The purpose of this position is to serve as a senior enforcement attorney in the Legal Enforcement Program, representing EPA in legal proceedings and providing legal advice and assistance and policy recommendations to management on enforcement matters. The position is most appropriately allocated to the General Attorney Series, GS-0905, which includes professional legal positions involved in rendering legal advice and services with respect to questions, regulations, practices, or other matters falling within the purview of a Federal Government agency. The appropriate title for these positions is Attorney-Advisor. The parenthetical (General) is added when, as in this case, the particular area of law is not covered by other subject-matter titles prescribed by the Office of Personnel Management.

IV. GRADE LEVEL DETERMINATION: The grade level is determined by application of two evaluation factors – (1) Nature of the case or legal problem and (2) Level of responsibility. Each factor is described in terms of the minimum characteristics for three levels of difficulty. The level assigned to one factor in combination with the level assigned to the other factor will determine the grade of the position according to the conversion table in reference (a).

(1). NATURE OF THE CASE OR LEGAL PROBLEM

In this position, the incumbent is responsible for complex and non-routine matters frequently having significant environmental or monetary impacts on the criminal enforcement program within Region 8. Serves as a senior enforcement attorney, providing advice on policy matters and specific cases to regional management. The work involves a wide variety of complex and unusual matters requiring a high degree of expertise. Cases may be precedential in effect.

*Contains aspects of  
Trial Attorney &  
Attorney-Advisor.  
Title change  
"General Attorney"  
-MRF*

This is comparable to Type II legal work, which consists of legal or factual questions made difficult because of the absence of clearly applicable precedents or where it is questionable that precedents apply because of the complexity of the situation. These cases may either directly impact or set a precedent affecting a significant segment of private or public interests. Large sums of money may be involved.

The position exceeds Type I, where the degree of difficulty and complexity of the issues is not as great and the results, in terms of precedential impact and monetary value, are not significant.

It does not meet Type III legal work, which is characterized by cases or problems that have the effect of substantially broadening or restricting the activities of an agency or has an important impact on a major industry whose economic position affects the health and stability of the general economy.

Type II is assigned.

## **(2) LEVEL OF RESPONSIBILITY**

### **Nature of functions**

The incumbent serves as a senior enforcement attorney in the Legal Enforcement Program, Office of Enforcement, Compliance and Environmental Justice, responsible for independently providing legal advice and policy recommendations to regional management and for coordinating enforcement litigation. Represents the region in dealings with outside parties, including negotiation of bilateral agreements, consent orders, and judgments. Works closely with attorneys in the Office of Enforcement and Compliance Assurance (OECA), the Office of General Counsel (OGC), and the Department of Justice in formulating advice on issues for which there is little guidance or precedent.

This is comparable to Level E, where, for example, the employee reviews cases for agencies responsible for the conduct of litigation in Federal courts to determine whether to recommend prosecution. Considers the weight of the evidence, the importance of the case, the necessity of uniform application of the law throughout the land, the cost of litigation, and other considerations which bear on the advisability of instituting suit. This is the highest level for this sub-element.

It exceeds Level C, where the employee conducts legal research in connection with cases pending trial before courts of original jurisdiction and may recommend a grand jury investigation.

Level E is assigned.

### **Supervision and guidance received**

The incumbent of the subject position works independently with minimum supervision in a direct attorney-client relationship with the Regional program managers.

Carries out responsibilities without preliminary instruction and independently plans and carries out assignments, coordinating and negotiating with others, including the attorneys in OECA, OGC, and the Department of Justice. Legal advice, policy recommendations, and advocacy during adversarial proceedings are considered expert. Is responsible for cases of the highest level of complexity and which may set national precedent. Completed work is reviewed for consistency with Agency policy, precedential effect, and overall quality.

This is comparable to Level E, where employees are expected to carry out any assignments within their area of responsibility without preliminary instructions. The employees independently conduct the investigation, plan the approach, and develop the completed decision, report, brief, opinion, or other product. This is the highest level defined for this sub-element.

This exceeds Level C where employees independently plan, organize, and conduct studies of the mill run of legal problems, cases, or legislative proposals encountered. Their work is assumed to be legally correct, but written work is subject to review for soundness of approach and argument, application of legal principles, consistency, etc.

Level E is assigned.

### **Personal Work Contacts**

In the subject position, the incumbent has regular and recurring contacts with senior level personnel, both within and outside the agency relative to the most sensitive and complex legal issues within his/her area of responsibility. The incumbent presents complex cases, legal opinions, or program advice that requires the ability to motivate and convince the parties at issue to accept the incumbent's position.

This is characteristic of Level E, where employees confer or negotiate with top administrative personnel in the agency, private business, or State or local governments on important legal questions. This is the highest level of this sub-element.

It exceeds Level C, where the employee participates in pretrial or prehearing conferences to explain points of law, charges, or qualifications of claimants, and to refer suggested settlements or compromise offers to superiors with appropriate recommendations.

Level E is assigned.

### **Nature and Scope of Recommendations and Decisions**

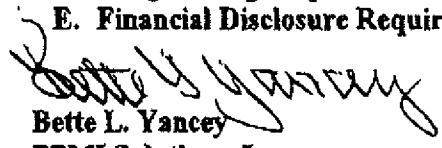
The incumbent interprets a substantial body of Agency regulations and laws and makes recommendations in the most complex regional enforcement matters. Some of these may be precedential in effect.

This is consistent with Level E, where characteristic recommendations include whether to initiate criminal or civil suits against alleged violators of Federal laws and regulations or to those outside the agency or to administrative officials at higher levels. These recommendations are normally made through the supervisor.

Level E is assigned.

#### V. SUMMARY:

- A. **Conversion and Final Determination:** In summary, Nature of Cases or Legal Problems is evaluated as Type II and all sub-elements of Level of Responsibility are evaluated at Level E. This combination results in conversion to GS-14. This position is appropriately classified as Attorney-Advisor (General), GS-905-14.
- B. **FLSA Determination:** This position meets the criteria in CFR 551.208 for exemption as a learned professional.
- C. **Functional Code:** N/A
- D. **Drug Testing Required?** N/A
- E. **Financial Disclosure Required?** N/A

  
Bette L. Yancey  
FPMI Solutions, Inc.

Date 8/10/10



## Extramural Resources Management Duties Checklist

*This checklist must be used with all PDs to identify the percentage of time an employee is engaged in duties related to managing contracts, grants, cooperative agreements, and interagency agreements. For positions requiring performance of these duties for 25% or more of the employee's time, in addition to this checklist, such duties must also be described in the body (major duties area) of the PD.*

Employee Information		Percentage of Time Spent on Extramural Resources Management	
Name	Karen Kellen		<input checked="" type="checkbox"/> This position has no extramural resources management responsibilities.
Position Number			Total extramural resources management duties occupy less than 25% of time.
Title	Enforcement Attorney		Total extramural resources management duties occupy 25% to 50% of time. These duties are indicated below and described in the position description.
Series/Grade	GS-905-14		Total extramural resources management duties occupy more than 50% of time. These duties are indicated below and described in the position description.
Organization	RR-ECEJ		

**When this checklist is used as an amendment to a position description, the following signatures are required:**

Supervisor's Signature	Date	9/20/10
Personnel Specialist's	Date	

### Part 1. Contracts Management Duties

<b>Pre-award:</b> <ul style="list-style-type: none"> <li>Plans Procurements</li> <li>Estimates Costs</li> <li>Obtains funding commitments</li> <li>Prepares procurement requests</li> <li>Writes statements of work</li> <li>Reviews statements of work</li> <li>Processes unsolicited proposals</li> <li>Responds to pre-award inquiries</li> <li>Participates in pre-award conferences</li> <li>Conducts technical evaluation of proposals</li> <li>Participates in debriefing/protests</li> <li>Other (lists)</li> </ul>	<ul style="list-style-type: none"> <li>Monitors management and performance of delivery orders/work assignments after award</li> <li>Defines scope of work for work assignments</li> <li>Approves payment requests of ACH drawdowns</li> <li>Manages cost-reimbursement contracts</li> <li>Reviews invoices</li> <li>Inspects and accepts deliverables</li> <li>Other (list)</li> </ul>
<b>Post-award:</b> <ul style="list-style-type: none"> <li>Prepares delivery orders</li> <li>Reviews contractor work plans</li> <li>Reviews contractor progress reports</li> <li>Monitors government-furnished property</li> <li>Monitors cost, management, and overall technical performance of contract after award</li> </ul>	<b>Close-out:</b> <ul style="list-style-type: none"> <li>Writes reports on contractor performance, costs, and tasks performed</li> <li>Reconciles payments with work performance</li> <li>Closes-out payments</li> <li>Performs cost accounting</li> <li>Provides assistance to Contracting Officer in settling claims</li> <li>Other (list)</li> </ul>
<b>Percentage of Time Spent on Contracts Management</b>	
<div style="display: flex; align-items: center; justify-content: flex-end;"> <div style="border: 1px solid black; width: 40px; height: 40px; display: flex; align-items: center; justify-content: center; margin-right: 10px;">0</div> <div style="margin-right: 10px;">%</div> </div>	

*Continued*



<b>Part 2. Grants/Cooperative Agreements Duties</b>		Advises Grants Management Office of potential problems/issues
<b>Pre-application/Application:</b>		Participates in decisions/actions to ensure successful project completion and in decisions to impose sanctions
Prepares solicitation for proposals		Approves payments requests or ACH drawdowns
Identifies potential grantees for area of program emphasis		Reviews requests for modifications, additional funding, etc., and makes recommendations to Grants Management Office
Makes initial determinations (whether project is procurement or assistance, whether agency has legal authority, whether applicant is eligible, whether funding is available, etc.)		Negotiates amendments
Provides administrative information to applicants		Reviews Cost/Price/Analysis for recipient contracts/change orders (Superfund only)
Determines appropriateness of applicant's workplan/activities/budget and compliance with regulations and guidelines and negotiates changes with applicant		When necessary, recommends termination of the agreement
Assists applicant in resolving issues in application		Resolves with Grants Management Office administrative and financial issues
For cooperative agreement, determines substantial Federal involvement and develops a condition for agreement		Conducts periodic reviews to ensure compliance with agreement
Negotiates level of funding		Other (list)
Conducts site visits to evaluate program capability		<b>Close-out:</b>
Serves as resource to Selection Panel		Certifies deliverables were satisfactory and timely
Informs applicants of funding decisions		Provides assistance to recipients and Grants Management Office to ensure timely close-out
Other (list)		Reconciles payment with work performed
		Notifies recipient of close-out requirements
<b>Award:</b>		Obtains legal assistance if necessary to resolve incomplete close-out
Prepares funding package, including Decision Memorandum		If project is audited, responds to issues and ensures recipient complies with audit recommendations
Obtains concurrences/approvals		Other (list)
Reviews/concurs in completed document		
Establishes project file		<b>Percentage of Time Spent on Grants/Cooperative Agreements Management</b>
Other (list)		0 %
<b>Project Management/Administration:</b>		
Monitors recipient's activities and progress		
Reviews reports and deliverables and notifies recipient of comments		
Provides technical assistance to recipients		
<b>Part 3. Interagency Agreements Duties</b>		
<b>Pre-Agreement:</b>		Monitors cost management and overall technical performance
Plans and negotiates work effort		Participates in decisions about project modification/termination
Estimates costs		Conducts periodic review of Superfund State Contracts payments receipts (Superfund only)
Obtains funding commitments		Inspects and accepts deliverables
Prepares commitment notice		Other (list)
Writes or reviews scope of work		<b>Close-out:</b>
Responds to pre-agreement inquiries		Reviews final report
Participates in pre-agreement conferences		Decides on disbursement of equipment
Coordinates with appropriate staff in developing Independent Government Cost Estimates (IGEs)		Reconciles payments with work performed
Negotiates and ensures execution of Superfund State Contracts (Superfund only)		Reviews Superfund State Contracts to ensure full reimbursement (Superfund only)
Performs technical evaluation of work plan and budget		Certifies deliverables
Prepares funding package and obtains necessary concurrences		Resolves close-out issues with Grants Management Office/other agency
Other (list)		Other (list)
<b>Project Management/Administration:</b>		<b>Percentage of Time Spent on Interagency Agreements Management:</b>
Reviews progress reports/financial reports		0 %

